

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 633 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JINNATBEN ABDUL AJIT MAKRANI

Versus

STATE OF GUJARAT

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Appearance:

PARTY-IN-PERSON for Petitioner

MR MA PATEL APP for Respondents Nos.1, 2 & 3

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 27/08/98

ORAL JUDGEMENT

Petitioner who has filed present petition as party-in-person not present when the matter is called out. Learned APP Mr. Patel who has appeared in response to notice issued vide earlier order dated 19th July, 1998 is present on behalf of Respondents Nos. 1,2 & 3. On perusal of petition and the Affidavit-in-Reply filed by

Respondent No. 2, it appears that dispute raised by the petitioner deserves consideration. Hence, Rule. Learned APP Mr. Patel waives service of rule on behalf of Respondents Nos. 1,2 & 3.

2. Petition is taken up for final hearing today. Petitioner has approached this Court contending that Respondent No. 2 who is recently transferred to Jamnagar "B" Division Police Station has been calling the petitioner who is a woman, at Police Station and has kept petitioner in lock-up though there was no lady constable present in the Police Station. Petitioner has alleged malafide against Respondent No. 2 and has contended that time and again petitioner has been calling her at the Police Station at odd-hours for alleged inquiry and under the threat of implicating her in a false case. On the said allegation, the petitioner has prayed for any appropriate writ or direction to Respondents Nos. 2 & 3 so that petitioner may not be put to any further harassment by respondents Nos. 2 & 3 and if necessary, respondent No. 3 may provide police protection to the petitioner against the apprehension of harassment from respondent no. 2.

3. The learned APP Mr. Patel has relied on Affidavit of Respondent No. 2 dated 29th July, 1998 taken on record vide running page No. 7 to 10, and has contended that petitioner is a history-sheeter and has been involved in various offences registered at Jamnagar "B" Division Police Station. That as per details given in paragraph No. 6 of the Affidavit, various police cases registered against the petitioner are pending for investigation and the petitioner has filed present petition by way of counter-blast so that the petitioner may not be arrested in the criminal complaint filed against the petitioner.

4. It may be noted that vide earlier Order dated 19th July, 1998, this Court {Coram : Ms. R.M Doshit, J.} has directed respondent no. 2 by way of ad-interim order not to summon the petitioner to the police station and not to go personally or send any police officer to the residence of petitioner; except during office hours, if at all necessary for the purpose of investigation. The said order has been communicated to respondent no. 2.

5. Learned APP Mr. Patel has stated at bar that in view of the earlier order, appropriate instructions have been issued by Respondent No. 3 and Respondent No. 2 is instructed not to visit the residence of the petitioner;

except during the office hours and only in the event of necessity for investigation. Further more, petitioner shall not be called at Police Station and detained in the absence of any lady police constable.

6. In view of the above referred to statements made by the learned APP, except the directions given to Respondent No. 2 nothing further is required to be ordered in the present petition. Hence, Respondent No. 2 is directed to strictly follow the administrative instructions and directions given vide earlier order dated 19th July, 1998. Rule is made absolute accordingly. There shall be no order as to costs.

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Prakash\*